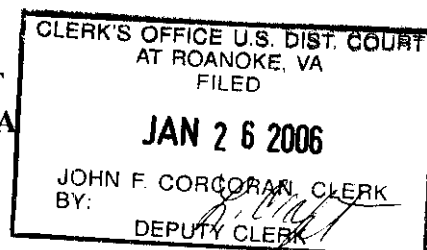


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



MAURICE D. FOSTER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

Civil Action No. 7:05-cv-00770

MEMORANDUM OPINION AND ORDER

By: Samuel G. Wilson
United States District Judge

This matter is before the court on petitioner Maurice D. Foster's Federal Rule of Civil Procedure Rule 59(e) motion for reconsideration of this court's December 28, 2005, order dismissing his 28 U.S.C. § 2255 motion as successive.¹ Foster has already filed one motion for reconsideration, which the court denied by memorandum opinion and order dated January 10, 2006, and in his second motion for reconsideration, Foster has stated no new or different grounds for Rule 59(e) relief. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that Foster's motion for reconsideration is **DENIED**.

The Clerk is directed to send certified copies of this order to petitioner.

ENTER: This 26th day of January, 2006.

[Signature]
UNITED STATES DISTRICT JUDGE

¹Foster filed a notice of appeal on the same day, and he addresses his Rule 59(e) motion to "the honorable court of appeals." However, this court, not the court of appeals, has jurisdiction over Foster's Rule 59(e) motion.